

U.S. Application No. 10/027,215 Examiner Issing, Art Unit 3662
Second Resubmission of Response to Third Office Action

REMARKS

In response to the Office Action dated March 5, 2004, Assignee respectfully requests reconsideration based on the above new claims and the following remarks. Assignee respectfully submits that the claims as presented are in condition for allowance.

The United States Patent and Trademark Office (the "Office") rejected claims 16, 33, 35, and 38 under 35 U.S.C. § 102 (b) as being anticipated by U.S. Patent 5,742,233 to Hoffman *et al.* Claims 16, 33, 35, and 38 were also rejected under 35 U.S.C. § 102 (e) as being anticipated by U.S. Patent Application 2003/0149526 to Zhou *et al.* The Assignee shows, however, that the new independent claims 41 and 53 are not anticipated, nor obvious, in view of the cited prior art, and the Assignee respectfully submits that the pending claims are ready for allowance.

New Claims 41-60

The Assignee presents new claims 41-60. These new claims are actually reinstated versions of claims 1-15 and 17-32. As 37 C.F.R. § 1.121 (c) (2) requires, the Assignee reinstates these cancelled claims by presenting new claims 41-60. Independent claims 41 and 53, however, recite the extrapolation of a current position from historical position(s). As claims 41 and 53 recite, this invention "plot[s] movement along a course and ... extrapolate[s] current location information in the absence of a current location data point." Support for these claim amendments can be found at page 9, lines 12-15 of U.S. Application No. 10/027,215.

Extra Fee for New Claims 41-60

A check was previously submitted for \$532. New, independent claims 41 and 53 are \$86 each. Claims 41-60 also require \$18 each.

Rejection of Claims Under *Hoffman*

U.S. Patent 5,742,233 to Hoffman *et al.* does not anticipate the pending claims. Hoffman does not teach extrapolation of a current position from historical position(s). The Assignee thus respectively submits that the pending claims are patentable over Hoffman.

Rejection of Claims Under Zhou

U.S. Patent Application 2003/0149526 to Zhou does not anticipate the pending claims. Zhou does not teach extrapolation of a current position from historical position(s). The Assignee thus respectively submits that the pending claims are patentable over Zhou.

Patentability of Pending Claims Over Tennison

The pending claims are patentable over U.S. Patent 6,496,777 to Tennison *et al.* Tennison was previously cited in a past office action, and the reinstated claims are patentable over Tennison. The patent to Tennison does not teach “plot[ting] movement along a course and ... extrapolat[ing] current location information in the absence of a current location data point.” The Assignee thus respectively submits that the pending claims are patentable over Hoffman.

Patentability of Pending Claims Over Brown

The pending claims are patentable over U.S. Patent 6,392,565 to Brown. Brown was previously cited in a past office action, and the reinstated claims are patentable over Brown. The patent to Brown does not teach “plot[ting] movement along a course and ... extrapolat[ing] current location information in the absence of a current location data point.” The Assignee thus respectively submits that the pending claims are patentable over Brown.

Patentability of Pending Claims Over Elliot

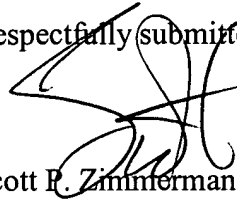
The pending claims are patentable over U.S. Patent 6,243,039 to Elliot. Elliot was previously cited in a past office action, and the reinstated claims are patentable over Elliot. The

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patent to *Elliot* does not teach “plot[ing] movement along a course and ... extrapolat[ing] current location information in the absence of a current location data point.” The Assignee thus respectfully submits that the pending claims are patentable over *Elliot*.

If any issues remain outstanding, the Office is invited to contact the undersigned at (919) 387-6907 or scott@scottzimmerman.com.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Scott P. Zimmerman', written over the typed name.

Scott P. Zimmerman
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